IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 600 of 2005

Between:

P.Nageswara Rao, S/o Late Suryanarayana,
Engineering College Hostels, Andhra University, Visakhapatnam

(under suspension)
R/o H.No. 53-11-30, Atchivari Veedhi, Maddipalem, Visakhapatnam –

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..... PETITIONER

AND

1 Station House Officer, Malakpet Police Station, Hyderabad City, Hyderabad.
2 Commissioner of Police, Hyderabad City, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction particularly a Writ in the nature of Certiorari calling for the records relating to Criminal Proceedings in Cr.No. FIR.No. 218/2003 on the file of the 1st Respondent and quash same against the Petitioner herein who was Accused No.6 as unjust, illegal and arbitrary and consequently direct the Respondents 1 and 2 herein to drop the criminal proceedings against the Petitioner and pass such other order or orders

Counsel for the Petitioner:MRS.SOFIA BEGUM

Counsel for the Respondents No.1 and 2: GP FOR HOME

The Court at the stage of admission made the following ORDER:

The petitioner feels aggrieved by his being implicated as Accused No.6 in F.I.R.No.218 of 2003 of Malakpet P.S. The petitioner states that he is working as a Senior Assistant in Andhra University and he is not at all concerned with the offences referred to in the above said F.I.R. He alleges that with a view to prevent his promotion, his rivals have got implicated him in such a case.

A counter-affidavit is filed on behalf of the respondents. It is stated that during the course of investigation into Crime No.218 of 2003, it emerged that the petitioner had a role in it. It is stated that a racket, undertaking sale of fake degree certificates of various universities, came to light and the investigation revealed the involvement of the petitioner also. The charge sheet is said to have been filed on 05.02.2005.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

This Court can quash the F.I.Rs. only in exceptional cases, such as, where a citizen is implicated by the prosecuting agency with a *mala fide* intention or where such a prosecution is contrary to the specific provisions of law. The respondents have stated, in detail, the facts relating to the crime referred to above. The statements of as many as 11 witnesses are said to have been recorded and a charge is already filed. The delay in filing the charge sheet is said to be on account of the transfer of Investigating Officer. This Court does not find any basis to quash the F.I.R.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioner to defend himself in the pending case. Since the petitioner is said to be under suspension, the trial Court, where the mater is pending, is directed to dispose of the same by the end of December 2005. There shall be no order as to costs.

09.02.2005

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To

1 Station House Officer, Malakpet Police Station, Hyderabad City,

Hyderabad.

2 Commissioner of Police, Hyderabad City, Hyderabad.

3 Two CCs. to the G.P. for Home, High Court of A.P., Hyderabad

(OUT).